

Request for Reconsideration:

Applicants are amending claims 1 and 8 to include the limitations of claims 7 and 14, respectively. Further, claim 1 is amended to conform the language of claim 1 with that of claim 8. Applicants also are cancelling claims 7 and 14, without prejudice. Further, Applicants are adding new claims 15 and 16. Claim 15 corresponds to original claim 3, rewritten in independent form to include the limitations of the base claim of original claim 3. As a result of these amendments, claims 1-6, 8-13, 15, and 16 are pending in this application. These amendments are fully supported by the specification, and no new matter is added by these amendments. Therefore, Applicants respectfully request that the Examiner enter the foregoing amendments and that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Objections and Rejections.

Applicants acknowledge with appreciation that the Examiner indicates that claims 3 and 10 contain allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claims, claims 1 and 8, respectively. Nevertheless, claims 1, 2, 4-6, 8, 9, and 11-13 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by U.S. Patent No. 5,984,069 to Takahashi in view of Patent Application Publication No. US 2002/0001533 to Nonaka et al. ("Nonaka"). In addition, claims 7 and 14 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Takahashi in view of Nonaka, and further in view of U.S. Patent No. 5,867,996 to Takano et al. ("Takano"). Applicants respectfully traverse.

2. Obviousness Rejections.

Claims 1, 2, 4-6, 8, 9, and 11-13 stand rejected as allegedly rendered obvious by Takahashi in view of Nonaka, and claims 7 and 14 stand rejected as allegedly rendered obvious by Takahashi in view of Nonaka, and further in view of Takano. In order for the Examiner to establish a prima facie case of obviousness, at least three criteria must be met. First, there must be some suggestion or motivation, either in the combined references or in the knowledge generally available to one of ordinary skill in the art, to combine the cited references, in the manner proposed by the Office Action. Second, the prior art references must disclose or suggest all the claim limitations. Third, there must be a reasonable expectation of success. MPEP 2143.

In view of the amendments to claims 1 and 8 to incorporate the limitations of claims 7 and 14, respectively, the rejections of claims 1, 2, 4-6, 8, 9, and 11-13 as allegedly rendered obvious by Takahashi in view of Nonaka now are moot. The Office Action also contends, however, that Takahashi in view of Nonaka, and further in view of Takano, discloses or suggests all of the limitations of claims 7 and 14. For the reasons set forth below, Applicants disagree.

Claims 7 and 14 depended directly from claims 1 and 8, respectively. As noted above, the Office Action contends that all of the limitations of claims 1 and 8 are disclosed or suggested by Takahashi in view of Nonaka. Nevertheless, the Office Action acknowledges that neither Takahashi nor Nonaka discloses or suggests that the compressor is a hybrid compressor.

The Office Action contends, however, that hybrid compressors are well-known in the art and that it would have been obvious

to apply the clutch control system [taught by Takahashi in view of Nonaka], since the issues regarding slippage between the rotor and armature remain the same, this is simply a particular example of protecting the system in case of excess slippage/temperature. Further, if such high temperatures are determined, it would have been obvious to stop the motor drive in order for the purpose of protecting the system.

Office Action, Page 4, Lines 1-6.

Referring to Takano's **Fig. 1**, the electronic control unit (ECU) 15 receives various sensor inputs. Notably, compressor temperature, clutch slippage, and clutch condition are not disclosed by Takano as inputs to ECU 15. Further, Takano describes clutch control unit 17, motor driving unit 18, and capacity control unit 19 as separate units receiving separate signals from ECU 15 and controlling clutch, 3, motor 9, and compressor 4, respectively. Amended claims 1 and 8 provide that "when said detection means detects an excessive increase in temperature, driving by or activation of said electric motor is terminated." Takano fails to disclose or suggest that its ECU 15 sends a signal to the clutch to disengage and sends a signal to the motor to stop the motor (i.e., to terminate "driving by" the motor) or to prevent the motor from starting (i.e., to terminate "activation of" the motor). Compare Appl'n, Claims 7 and 14 (as filed). Moreover, the Office Action fails to demonstrate any teaching in Takano (or the other cited references) that would provide a motivation or suggestion to modify Takahashi in view of Nonaka to include such limitations. The fact that a person of ordinary skill might be capable of making such a control system is not sufficient to demonstrate obviousness. MPEP 2143.01.

Thus, Applicants maintain that Takahashi in view of Nonaka, and further in view of Takano, fails to demonstrate a prima facie case for the obviousness of amended claims 1 and 8. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejections of claims 1-6 and 8-13.

Conclusion:

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite

prosecution of this application, we would welcome such an opportunity. No fees are due as a result of this Responsive Amendment. Nevertheless, in the event of any variance between the fees determined by Applicants and those determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,
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